

MERCHANT, GOULD, SMITH, EDELL, WELTER & SCHMIDT

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: FLY TRAP WITH TWO OR MORE DIRECTIONAL LIGHT PATTERNS

The specification of which

a. _ is attached hereto

b. X was filed on April 8, 1996 as application serial no. 08/629,049 and was amended on _ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. _ filed _ and as amended on _ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. X no such applications have been filed.

b. _ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
08/327,108	October 21, 1994	Issued

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Adriano, Sarah B.	Reg. No. 34,470	Funk, Steven R.	Reg. No. 37,830	Nelson, Albin J.	Reg. No. 28,650
Batzli, Brian H.	Reg. No. 32,960	Gabilan, Mary Susan	Reg. No. 38,729	Pauly, Daniel M.	Reg. No. P-40,123
Beard, John L.	Reg. No. 27,612	Gates, George H.	Reg. No. 33,500	Plunkett, Theodore	Reg. No. 37,209
Beck, Robert C.	Reg. No. 28,184	Golla, Charles E.	Reg. No. 26,896	Pollinger, Steven J.	Reg. No. 35,326
Bejin, Thomas E.	Reg. No. 37,089	Gorman, Alan G.	Reg. No. 38,472	Reich, John C.	Reg. No. 37,703
Berman, Charles	Reg. No. 29,249	Gould, John D.	Reg. No. 18,223	Reiland, Earl D.	Reg. No. 25,767
Bogucki, Raymond A.	Reg. No. 17,426	Gresens, John J.	Reg. No. 33,112	Schmaltz, David G.	Reg. No. P-39,828
Bruess, Steven C.	Reg. No. 34,130	Hamre, Curtis B.	Reg. No. 29,165	Schmidt, Cecil C.	Reg. No. 20,566
Byrne, Linda M.	Reg. No. 32,404	Hassing, Thomas A.	Reg. No. 36,159	Schuman, Mark D.	Reg. No. 31,197
Carlson, Alan G.	Reg. No. 25,959	Hillson, Randall A.	Reg. No. 31,838	Schumann, Michael D.	Reg. No. 30,422
Carter, Charles G.	Reg. No. 35,093	Hollingsworth, Mark A.	Reg. No. 38,491	Sebald, Gregory A.	Reg. No. 33,280
Caspers, Philip P.	Reg. No. 33,227	Johnston, Scott W.	Reg. No. P-39,721	Sharp, Janice A.	Reg. No. 34,051
Chiapetta, James R.	Reg. No. P-39,634	Kastelic, Joseph M.	Reg. No. 37,160	Skoog, Mark T.	Reg. No. P-40,178
Clifford, John A.	Reg. No. 30,247	Kettelberger, Denise	Reg. No. 33,924	Smith, Jerome R.	Reg. No. 35,684
Conrad, Timothy R.	Reg. No. 30,164	Kowalchuk, Alan W.	Reg. No. 31,535	Sorensen, Andrew D.	Reg. No. 33,606
Cooper, Victor G.	Reg. No. 39,641	Kowalchuk, Katherine M.	Reg. No. 36,848	Stinebruner, Scott A.	Reg. No. 38,323
Crawford, Robert	Reg. No. 32,122	Krull, Mark A.	Reg. No. 34,205	Strawbridge, Douglas A.	Reg. No. 28,376
Daignault, Ronald A.	Reg. No. 25,968	Lacy, Paul A.	Reg. No. P-38,946	Strodthoff, Kristine M.	Reg. No. 34,259
Daley, Dennis R.	Reg. No. 34,994	Lasky, Michael B.	Reg. No. 29,555	Sumner, John P.	Reg. No. 29,114
Daulton, Julie R.	Reg. No. 36,414	Lynch, David W.	Reg. No. 36,204	Sumners, John S.	Reg. No. 24,216
Davidson, Ben M.	Reg. No. 38,424	Mau, Michael L.	Reg. No. 30,087	Tellekson, David K.	Reg. No. 32,314
Dempster, Shawn B.	Reg. No. 34,321	McCormack, Myra H.	Reg. No. 36,602	Underhill, Albert L.	Reg. No. 27,403
DiPietro, Mark J.	Reg. No. 28,707	McDaniel, Karen D.	Reg. No. 37,674	Vandenburgh, J. Derek	Reg. No. 32,179
Dryja, Michael A.	Reg. No. P-39,662	McDonald, Daniel W.	Reg. No. 32,044	Welter, Paul A.	Reg. No. 20,890
Edell, Robert T.	Reg. No. 20,187	McDonald, Wendy M.	Reg. No. 32,427	Williams, Douglas J.	Reg. No. 27,054
Epp Ryan, Sandra	Reg. No. P-39,667	Miller, William D.	Reg. No. 37,988	Wood, Gregory B.	Reg. No. 28,133
Farber, Michael B.	Reg. No. 32,612	Mueller, Douglas P.	Reg. No. 30,300	Xu, Min S.	Reg. No. 39,536
Fauver, Cole M.	Reg. No. 36,797	Nasiedlak, Tyler L.	Reg. No. P-40,099		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant, Gould to the contrary.

Please direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt at the address indicated below:

Merchant, Gould, Smith, Edell,
Welter & Schmidt
1000 Norwest Center
55 East Fifth Street
St. Paul, MN 55101-1785

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

201	Full Name Of Inventor	Family Name Nelson	First Given Name Thomas	Second Given Name D.
	Residence & Citizenship	City Maplewood	State or Foreign Country Minnesota	Country of Citizenship U.S.A.
	Post Office Address	Post Office Address 1630 Currie Street	City Maplewood	State & Zip Code/Country Minnesota 55119/U.S.A.
202	Full Name Of Inventor	Family Name Ossanna	First Given Name Oliver	Second Given Name A.
	Residence & Citizenship	City Bloomington	State or Foreign Country Minnesota	Country of Citizenship U.S.A.
	Post Office Address	Post Office Address 2100 Overlook Drive	City Bloomington	State & Zip Code/Country Minnesota 55431/U.S.A.
203	Full Name Of Inventor	Family Name Anderson	First Given Name Douglas	Second Given Name G.
	Residence & Citizenship	City Lakeville	State or Foreign Country Minnesota	Country of Citizenship U.S.A.
	Post Office Address	Post Office Address 12190 168th Street	City Lakeville	State & Zip Code/Country Minnesota 55044/U.S.A.

Signature of Inventor 201 <i>Thomas D. Nelson</i>	Signature of Inventor 202 <i>Oliver A. Ossanna</i>	Signature of Inventor 203 <i>Douglas G. Anderson</i>
Date <i>April 11, 1996</i>	Date <i>11 April 1996</i>	Date <i>11 APR 96</i>

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office; or
- (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

S/N NEW FILING

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: NELSON ET AL. Examiner: UNKNOWN
Serial No.: NEW FILING Group Art Unit: UNKNOWN
Filed: HEREWITH Docket No.: 163.1118USD1
Title: FLY TRAP WITH MULTIPLE LIGHT PATTERNS

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV037617480US

Date of Deposit: December 27, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, D.C. 20231.

By: 
Name: Chris Stordahl

ASSOCIATE POWER OF ATTORNEY

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:


Please recognize Katherine M. DeVries Smith, Registration No. 42,157, as associate attorney in the above-identified application, with full power to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.



Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: Dec. 27, 2001


Mark DiPietro
Reg. No. 28,707
MD:PSTkaw